

TWENTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, Oct. 13, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain, Parsons and Saylor.

Absent, excused—Senators Hall and Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES

Report of Committee on Education :

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred Senate bill No. 480, have had the same under careful consideration, and a majority thereof instruct me to report it back to the Senate with the accompanying amendments, and recommend that it do pass.

Respectfully,

E. PETTIT, Chairman.

Amendments—In first section, line eleven, strike out all of the section after the word "hereby" and insert "set apart and dedicated to the use of the said school district for school purposes."

Also, strike out all section second, and insert the following in lieu thereof: "*Be it further enacted*, That it shall be the duty of the county surveyor, whenever called upon by the board of school directors, and furnished by them with a designation in writing of the land they may desire to appropriate as above provided for, to make a survey thereof and establish the corners by permanent land marks; to record the field notes of such survey in the records of his office; and to furnish a certified copy thereof to be recorded in the office of the District clerk of the county, who shall, after recording them, forward a transcript of the same to the Commissioner of the General Land Office with his certificate and the seal of his office thereto attached, and the expenses of the survey certificate and recording herein provided for, shall be paid out of the school fund apportioned

to said district by the depositary of said school fund, on the order of the board of school directors of said school district.

Report read and laid over under the rules.

Report of Committee on State Affairs:

COMMITTEE ROOM, }
Austin, Oct. 12, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 490, "An act to incorporate the Mechanics' Building Association of Jefferson, Texas," have carefully considered the same and instruct me to report it back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Report read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Douglas: a bill (Senate bill No. 495) to be entitled "An act to amend 'an act to incorporate the town of Longview, in Upshur county,' approved May 17, 1871." Read first time and referred to Committee on State Affairs.

By Senator Dohoney: a bill (Senate bill No. 496) to be entitled "An act supplemental to 'an act in relation to the location, survey and return of genuine land certificates,' passed April 25, 1871." Read first time and referred to the Committee on Judiciary.

By Senator Gaines: a resolution, as follows:

Resolved, That the President of the Senate appoint a select committee of five to prepare a bill embodying the requisitions of section twenty-six of article twelve of the Constitution of this State, and that said committee be requested to report at an early day.

Resolution read, and upon motion of Senator Gaines adopted.

The President appointed as the select committee Senators Gaines, Dohoney, Bell, Ford and Cole.

By Senator Ruby: a bill (Senate bill No. 497) to be entitled "An act to amend 'an act entitled 'an act to establish a code of criminal procedure for the State of Texas,' approved twenty-sixth day of August 1856.'" Read first time and referred to the Committee on Judiciary.

Also, a bill (Senate bill No. 498) to be entitled "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

Upon motion of Senator Ruby the rules were further suspended and Senate bill No. 498 read third time and passed.

The following House bills were taken from file and referred respectively as follows:

To the Committee on Roads Bridges and Ferries: House bill No. 759 "An act to establish a ferry across the Brazos river, and to grant the right of way to the same."

To the Committee on State Affairs: House bill No. 771 "An act to incorporate the Star Mining and Transportation Company."

To the Committee on Counties and County Boundaries: House bill No. 596, "An act to establish the county of Franklin."

BILLS ON SECOND READING.

Senate bill No. 203, "An act to repeal so much of an act to authorize and require the clerks of the district courts of Titus, Travis and San Augustine counties, to apportion the causes of the docecks." Read second time, ordered engrossed and passed to a third reading.

Upon motion of Senator Bowers the rules were suspended and Senate bill No. 203 read third time and passed.

Senate joint resolution No. 18, proposing to amend the forty-sixth section twelfth article of the Constitution of the State of Texas."

Senator Gaines moved the indefinite postponement of the bill.

Yeas and nays called for, and Senate joint resolution No. 18 indefinitely postponed by the following vote:

Yeas—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Pettit, Rawson, Ruby—12.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Latimer, Pyle, Shannon—9.

Substitute for Senate bill No. 144, "An act to prescribe the duties of sheriffs in certain cases." Read second time, and upon motion of Senator Dohoney recommitted to the Judiciary Committee.

MESSAGES.

Under direction of the President, the Secretary carried to the House for concurrence the following Senate bills:

Senate bill No. 446, "An act to authorize the County Court of Galveston county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county;" Senate bill No. 492, "An act to amend 'an act prescribing the mode of proceeding in the district courts, in matters of probate,' approved

August 13, 1870;" Senate bill No. 473, "An act to incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco;" Senate bill No. 460, "An act to provide for and regulate mechanics', contractors', builders', and other liens in the State of Texas."

Also, informing the House that the Senate had passed without amendment: House bill No. 638, "An act to incorporate the Texas Stockraising Company;" House bill No. 531, "An act for the relief of George Cox."

Also, with amendment: House bill No. 728, "An act to incorporate the Washington Steam Fire Engine Company No. 1, of Galveston."

Also, transmitting for signature of the Speaker the following enrolled Senate bills:

Senate joint resolution No. 43, authorizing the appointment of commissioners to run, mark out and fully define the county lines of San Jacinto county; Senate bill No. 105, "An act for the relief of James C. Eccles, deceased;" Senate bill No. 437, "An act to regulate in part the receipt and disbursement of public money."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President in open session.

Message from the House by the Chief Clerk, Mr. Gallant, informing the Senate that the House had passed, with amendment, Senate bill No. 486, an act entitled "An act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature."

Also, with information that the House agrees to Senate amendment to House bill No. 53, "An act supplementary to 'an act to provide the mode of trying titles to land,' approved February 5, 1840."

And, had passed, without amendment, Senate bills as follows: Senate bill No. 369, "An act to facilitate the correcting of surveys and the issuance of patents to locations of land;" Senate bill No. 458, "An act to amend 'an act to incorporate the Sabine and Neches Bridge Company,' passed May 18, 1871;" Senate bill No. 467, "An act to affirm the titles to certain lands in Peters's Colony."

Under direction of the President the Secretary returned to the House the following enrolled House bills with information that the President had signed the same in open session: House bill No. 164, "An act to incorporate the town of Pittsburg in Upshur county." House bill No. 723 "An act to amend an act entitled 'An act to prohibit the sale of spirituous vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas.'" House bill No. 763

"An act to prohibit the sale of intoxicating liquors to persons within the scholastic age in the State of Texas." House bill No. 710, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company;" House bill No. 427, "An act to authorize C. Duncan and G. W. Patten to erect a toll bridge over Aquilla Creek, in the county of McLennan, Texas;" House bill No. 282, "An act to authorize Robert Holmes and others to construct a boom across the Brazos river;" House bill No. 723, "An act to incorporate Edom Academy, in Cook county, Texas;" House bill No. 778, "An act prescribing the times of holding the district courts in the Twenty-sixth Judicial District;" House bill No. 777, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870;" House bill No. 751, "An act to amend an act approved May 2, 1871, entitled 'an act to amend an act entitled an act to incorporate the Galveston City Railroad Company,' approved October 8, 1866;" House bill No. 762, "An act to provide for the payment of sheriffs in conveying prisoners to State penitentiary." And informing the House that the Senate concurs in House amendment to Senate bill No. 486, "An act entitled an act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature;" also, to House amendment to Senate bill No. 437, "An act to regulate in part the receipt and disbursement of public money."

On motion of Senator Mills the rules were suspended to take from file Senate bill No. 486, "An act entitled 'an act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature.'"

On motion of Senator Mills the following House amendments were concurred in: Add after the word "State," in the enacting clause, the words "of Texas."

Bills on second reading resumed.

Senate bill No. 169, "An act to authorize justices of the peace to locate their offices in an adjoining precinct to which said justices were elected." Read second time.

Upon motion of Senator Ruby the report of the committee recommending that the bill do not pass, was adopted.

Senate bill No. 257, "An act to extend the time for the location and survey of certain land certificates." Read second time.

Upon motion of Senator Pridgen Senate bill No. 257 was indefinitely postponed.

Senate bill No. 185, "An act supplementary to the several acts now in force to regulate railroad companies." Read second time.

Upon motion of Senator Saylor, the following amendments, reported by the Judiciary Committee, were adopted:

Amend section two, first and second lines, by striking out the words "at least a majority of the directors and."

Senate bill No. 185 ordered engrossed, and passed to a third reading, as amended.

Senator Saylor moved a further suspension of the rules to read the bill a third time. Lost.

Senate bill No. 215, "An act to amend the four hundred and seventy-first section of an act entitled 'a code of criminal procedure.'" Read second time.

Upon motion of Senator Dohoney, the report of the Judiciary Committee, recommending that the bill do not pass, was adopted.

Senate bill No. 194, "An act to amend section three of 'an act concerning divorce and alimony.'" Read second time.

Upon motion of Senator Bowers, Senate bill No. 194 was laid on the table.

House bill No. 29, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas.'" Read second time and passed to a third reading.

On motion of Senator Baker, the rules were suspended, and House bill No. 29 read third time and passed.

House bill No. 28, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856." Read second time.

Senator Dohoney moved to amend the bill by inserting the word "burglary" after the word "arson." Amendment adopted, and the bill passed to a third reading as amended.

On motion of Senator Dohoney the rules were suspended and House bill No. 28 read third time and passed.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills:

COMMITTEE ROOM,
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined, and find correctly enrolled, Senate joint resolution No. 48, "Authorizing the appointment of commissioners to run, mark out and fully define the county lines of San Jacinto county." Also, the following Senate bills, to-wit: No. 105, entitled "An act for the relief of the heirs of James C. Eccles, deceased," and Senate bill No. 487, entitled "An act to regulate in part the receipt and disbursement of

public money," and to-day at 12 o'clock M. presented them to the Governor for his approval.

B. J. PRIDGEN, Chairman.

Report read and received.

Senate bill No. 184, "An act to amend the penal code." Read second time.

On motion of Senator Mills, Senate bill No. 184 was recommitted to the Judiciary Committee.

Senate bill No. 267, "An act granting pensions to the surviving veterans of the war waged by the Republic of Texas against the Cherokee and other tribes of Indians, during the years 1838 and 1839." Read second time.

On motion of Senator Bowers, the report of the Committee on State Affairs, recommending that it do not pass, was adopted.

On motion of Senator Flanagan, the rules were suspended to take from file House bill No. 132, "An act amendatory of an act approved October 1, 1866, entitled 'an act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress.'" Read second time and passed to a third reading.

On motion of Senator Douglas, the rules were further suspended and House bill No. 132 read third time and passed.

On motion of Senator Douglas, the rules were suspended to take from file House bill No. 133, "An act to authorize John R. Strickland and Douglas Pucket to establish a ferry on Big Cypress creek." Read second time and passed to a third reading.

On motion of Senator Flanagan, the rules were further suspended and House bill No. 133 read third time and passed.

Senator Hertzberg moved a suspension of the rules to take from file Senate bill No. 478, "An act to authorize the Commissioner of the General Land Office to appoint an assistant photographer and making an appropriation therefor." Motion to suspend the rules lost.

On motion of Senator Gaines the Senate at 12 M. adjourned to 10½ A. M. to-morrow.
